

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THOMAS DENTON.

Plaintiff,

V.

FRED FOGUEROG, *et al.*,

Defendants.

No. 10-5093RJB/JRC

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura, objections to the Report and Recommendation (Dkt. 16), and the remaining record, does hereby find and ORDER:

(1) The Court **ADOPTS** the Report and Recommendation (Dkt. 13).

(2) Plaintiff paid the filing fee in this matter. Dkt. 1. On June 15, 2010, plaintiff filed objections to the Report and Recommendation, requesting that the court grant his motion to proceed *in forma pauperis* so that the court would effectuate service of the summons and complaint. With his objections, plaintiff filed an inmate trust account statement showing that the account had average monthly receipts of \$149.18 from December 1, 2009 to May 31, 2010. Dkt. 16, at 3. Because plaintiff paid the filing fee in this matter, his motion for *in forma pauperis* status is **DENIED**. Plaintiff's request that the court effectuate service of the summons and complaint (Dkt. 16) is **DENIED**. Plaintiff is responsible for service of this action in accordance with the Fed. Rules of Civil Procedure.

1 (3) The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J.
2 Richard Creatura.

3 DATED this 24th day of June, 2010.

4 
5 ROBERT J. BRYAN
6 United States District Judge